

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDWARD J. O’KINSKY,	:	CIVIL ACTION
Plaintiff,	:	
	:	
vs.	:	
	:	NO. 10-6075
WILLIAM A. PERRONE, ESQUIRE;	:	
WIGGIN & DANA, LLP; WILLIAM	:	
LUBY; ALASDAIR RICHIE; HOSE	:	
HOLDINGS, LLC; and WATERWAYS	:	
FRANCHISE, LLC,	:	
Defendants.	:	

ORDER

AND NOW, this 20th day of April, 2012, upon consideration of the Motion of Defendants William Luby and Alasdair Ritchie to Dismiss Counts V and VI of Plaintiff’s Amended Complaint (Document No. 8, filed August 23, 2011) and Plaintiff’s Answer to Motion to Dismiss Counts V and VI of the Amended Complaint Filed by Defendants William Luby and Alasdair Ritchie (Document No. 19, filed September 6, 2011), for the reasons set forth in the Memorandum dated April 20, 2012, **IT IS ORDERED** the Motion of Defendants William Luby and Alasdair Ritchie to Dismiss Counts V and VI of Plaintiff’s Amended Complaint is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Motion of Defendants William Luby and Alasdair Ritchie to Dismiss Counts V and VI of Plaintiff’s Amended Complaint is **GRANTED** with respect to all of the allegations in Count V of the Amended Complaint except for paragraphs 50-52; and
2. The Motion of Defendants William Luby and Alasdair Ritchie to Dismiss Counts V and VI of Plaintiff’s Amended Complaint is **DENIED** with respect to Count VI of the Amended Complaint.

IT IS FURTHER ORDERED that defendants Hose Holdings, LLC, and Waterways Franchise, LLC, are dismissed as defendants on the grounds that no claims are asserted against them in the Amended Complaint. The caption of this case is thus **AMENDED** to read as follows:

EDWARD J. O’KINSKY,	:	CIVIL ACTION
Plaintiff,	:	
	:	
vs.	:	
	:	NO. 10-6075
WILLIAM A. PERRONE, ESQUIRE;	:	
WIGGIN & DANA, LLP; WILLIAM	:	
LUBY and ALASDAIR RICHIE,	:	
Defendants.	:	

IT IS FURTHER ORDERED that a preliminary pretrial conference will be scheduled in due course.

BY THE COURT:

/s/ Hon. Jan E. Dubois
JAN E. DUBOIS, J.